



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/19/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Yamhill County Plan Amendment
DLCD File Number 003-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 02, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Ken Friday, Yamhill County
Jon Jinings, DLCD Community Services Specialist
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> Y



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

APR 12 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Yamhill County**

Local file number: **PA-01-09**

Date of Adoption: **3/31/11**

Date Mailed: **4/8/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **5/8/09**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
 The addition of 24 acres to the Urban Growth Boundary for the city of Amity.

Does the Adoption differ from proposal? Please select one
 Yes, the adoption is for 24 acres and the proposal was for 44 acres.

Plan Map Changed from:

to: **Future Urbanizable**

Zone Map Changed from:

to:

Location: **north and east of the city of Amity**

Acres Involved: **24**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-09 (17571) [16603]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Amity

Local Contact: **Stephanie Armstrong**

Phone: (503) 434-7516 Extension: 3635

Address: 525 NE 4th St.

Fax Number: 503-434-7544

City: **McMinnville**

Zip: 97128

E-mail Address: armstrongs@co.yamhill.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated March 17, 2011

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the Amity Urban Growth Boundary)
(UGB) to take in approximately 24 acres into the Amity UGB,) Ordinance 864
Applicant the city of Amity, Planning Docket PA-01-09,)
and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on March 31, 2011, Commissioners Mary P. Stern, Leslie Lewis and Kathy George being present.

IT APPEARING TO THE BOARD that the city of Amity submitted an application to amend the Urban Growth Boundary to take in approximately 24 acres into the Amity UGB, and

IT APPEARING TO THE BOARD that the matter was heard at a duly noticed Amity Urban Area Management Commission public hearing on December 13, 2010, and the Amity city council approved it on January 5, 2011. The Board of Commissioners head this matter at a duly noticed public hearing on March 10, 2011, and voted to approve it. NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in Exhibit "A," the Findings for Approval, hereby incorporated into this Ordinance by this reference. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately. A map is appended as Exhibit "B".

DONE this 31st day of March, 2011, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOLL

County Clerk



Deputy County Clerk

Mary P. Stern

Chair

MARY P. STERN

Leslie Lewis

Commissioner

LESLIE LEWIS

Kathy George

Commissioner

KATHY GEORGE

APPROVED AS TO FORM:

Rick Sanai

Rick Sanai, County Counsel

ORDINANCE 864
B.O. 11-172

Exhibit A

DOCKET NO.: PA-01-09

REQUEST: To amend the Urban Growth Boundary (UGB) to take in approximately 24 acres into the Amity UGB. Approval of the request would allow eventual inclusion of the property into the city limits.

APPLICANT: City of Amity

TAX LOT: See map attached as Exhibit "B"

LOCATION: The majority of the area is north of the Amity city limits with a small area on the eastern boundary.

CRITERIA: Yamhill County Comprehensive Plan Goals and Policies, Amity Urban Area Management Agreement, Statewide Planning Goals, Oregon Revised Statute 197.298 and the Oregon Administrative Rules, including OAR 660-012 and 660-024.

FINDINGS:

A. Background Facts:

1. *Site Characteristics:* A detailed analysis of the areas for inclusion are found on pages 29-32 of the application narrative dated September 23, 2010 and are incorporated here by reference. The 24 acres proposed for inclusion in the Amity urban growth boundary (UGB) will be referred to as the "subject sites."
2. *Water and sewer:* City of Amity.
3. *Surrounding Land Use and Zoning:* The areas in the County surrounding the subject sites proposed for inclusion into the UGB are zoned EF, Exclusive Farm use and AF-20, Agriculture/Forestry. These areas are a mixture of farm and forest uses.
4. *Fire Protection:* Amity Rural Fire District.
5. *Soils:* See "Appendix E" titled Soils Capability Classes within Evaluated Areas included in the application, incorporated herein by this reference.
6. *Flood Hazard Overlay:* Approximately 6.33 acres of the area west of the railroad tracks and north of 1st Street (Tax Lots 5420CA-801, 1100 and 1200) is in the Flood Hazard Overlay, FIRM 41071C0602D. See "Appendix F" of the application. The Department of Land Conservation and Development has recommended not including this area in the UGB due to the steep slopes, riparian corridors, floodplain and floodway.
7. *Coordinated Population Projection:* ORS 195.036 requires the County to establish and maintain a population forecast for use in maintaining and updating comprehensive plans, and to coordinate the forecast with each of the cities in the County. Statewide Planning Goal 14 requires a 20-year population forecast for UGB amendments. Both the city and the County are proposing to

Exhibit "A"
ORDINANCE 864
B. O. 11-172

adopt the safe harbor population forecast to the year 2030 for the city of Amity concurrent with the adoption of the UGB amendment. The application states the population forecast for the city of Amity in 2030 will be 2,481. The population projection is discussed further in Section 2.0 of the application. The city of Amity would like to adopt 2,481 as the coordinated population projection for 2030 as part of this application and the County has no objections to adopting this number.

8. *Procedure:* The original application, which was to add 44 acres, has since been modified after the city met with 1000 Friends of Oregon. This meeting resulted in the city amending their application to remove a 20 acre portion south of Rice Lane, which is zoned EF-80 and is prime farmland. The application was reviewed and recommended for approval at the December 13, 2010 Amity Urban Area Management Commission hearing and then the city council approved it on January 5, 2011.

B. Urban Area Growth Management Agreement Provisions

1. Criteria addressed in this UGB amendment includes the Amity Urban Area Growth Management Agreement, the statewide planning goals, and the city and County Comprehensive Plans. These review standards are detailed in Section 5.2 of the application submitted by the city. Consideration of the Yamhill County Goals and Policies will be discussed further below. Even though the majority of the Yamhill County Goals and Policies are aspirational and are not to be mistaken for, or treated as, approval criteria, it is important that they be considered. It is a fact that some of the goals and policies conflict with one another. They are simply to be used as a guide to aid decision makers. For example, where goals or policies conflict the decision makers need to weigh the evidence and decide which goal or policy the request satisfies. Therefore, in each case, the AUAMC decided whether the subject site and exclusion site were more appropriate to be preserved as farm land or it is better suited for orderly urban development. The following goals and policies are part of this determination.

2. The Yamhill County Comprehensive Plan, Section I.A., Goal 1, directs the County:

To encourage the containment of growth within existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.

and, Section II, Goal 1, states:

To conserve Yamhill County's farm land for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.

To assure there is an efficient transition from rural to urban land uses the Board finds there has been a demonstration of the need for additional urban land, and a determination of the most suitable location for land of that identified need. Based on the city's currently available housing

and the projected population forecast, the city determined the need for future residential land to be included in the city's UGB. The city identifies an estimated 52 gross acres of residential land and public infrastructure to meet the housing needs of the community by the year 2030. With 28 acres available within the UGB the city has a need to expand the UGB by 24 gross acres. After identifying the need, the next step is to evaluate the best locations/alternatives for locating the use. The first alternative is to look inside the existing UGB. If land is not available, the next step is to look at land outside of the UGB and to go through the priority list of lands available for expansion.

The majority of the property that will be taken into the UGB has historically been in farm use.

The report submitted by the applicant shows two other alternative locations that were considered for expansion of the UGB but were excluded. The alternatives had attributes that made them not as suitable for inclusion in the UGB. The first site, which is located south of Ash Swale and is currently in a rural residential zone, was excluded due to the inability of the city, for economic purposes, to efficiently serve this area with public facilities during the 20-year planning period. A report is included from the city engineer shows that this area is not serviceable and would require extensive upgrades of over one-million dollars to the city's infrastructure. This site does exhibit soils that are considered high-value, however, these parcels are within an exception area and are not protected by Goal 3 and would be considered a priority for inclusion into the UGB, however, due to the economic factors related to including this area, it is not practicable. The second site, which is currently zoned EF-80, was excluded because of "the severe building limitations identified on the majority of the parcels" combined with the fact that the soil on the properties are Class II and III. The application goes through this analysis in further detail.

Based on substantial evidence in the record, the Board finds that the UGB amendment is necessary and the subject sites are the best location compared with the other alternatives. Based on the evidence in the record, the request would be an efficient transition from rural to urban use.

3. The Yamhill County Comprehensive Plan, Section II, Goal 2, Policy a. states:

Yamhill County will continue to preserve those areas for farm use which exhibit Class I through IV soils as identified in the Capability Classification System of the U.S. Soil Conservation Service.

As noted above, the Board finds that the addition of the subject sites will provide the best opportunity for orderly development of property by providing needed area for urban expansion adjacent to the city, where services are available or can be readily extended and avoiding, to the maximum extent possible, those properties zoned for farm and/or forest use which exhibit Class I through IV soils. Based on the findings provided in the application, it appears the city made every effort to ensure minimal loss of higher class soils.

4. The Yamhill County Comprehensive Plan, Section I. E, Goal 1, Housing directs the County:

To assure the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost.

The Board finds this UGB expansion will provide additional housing opportunities for citizens of the community and encourage establishment of housing within an urban area, thereby, minimizing the impact on property designated as resource land.

CONCLUSIONS:

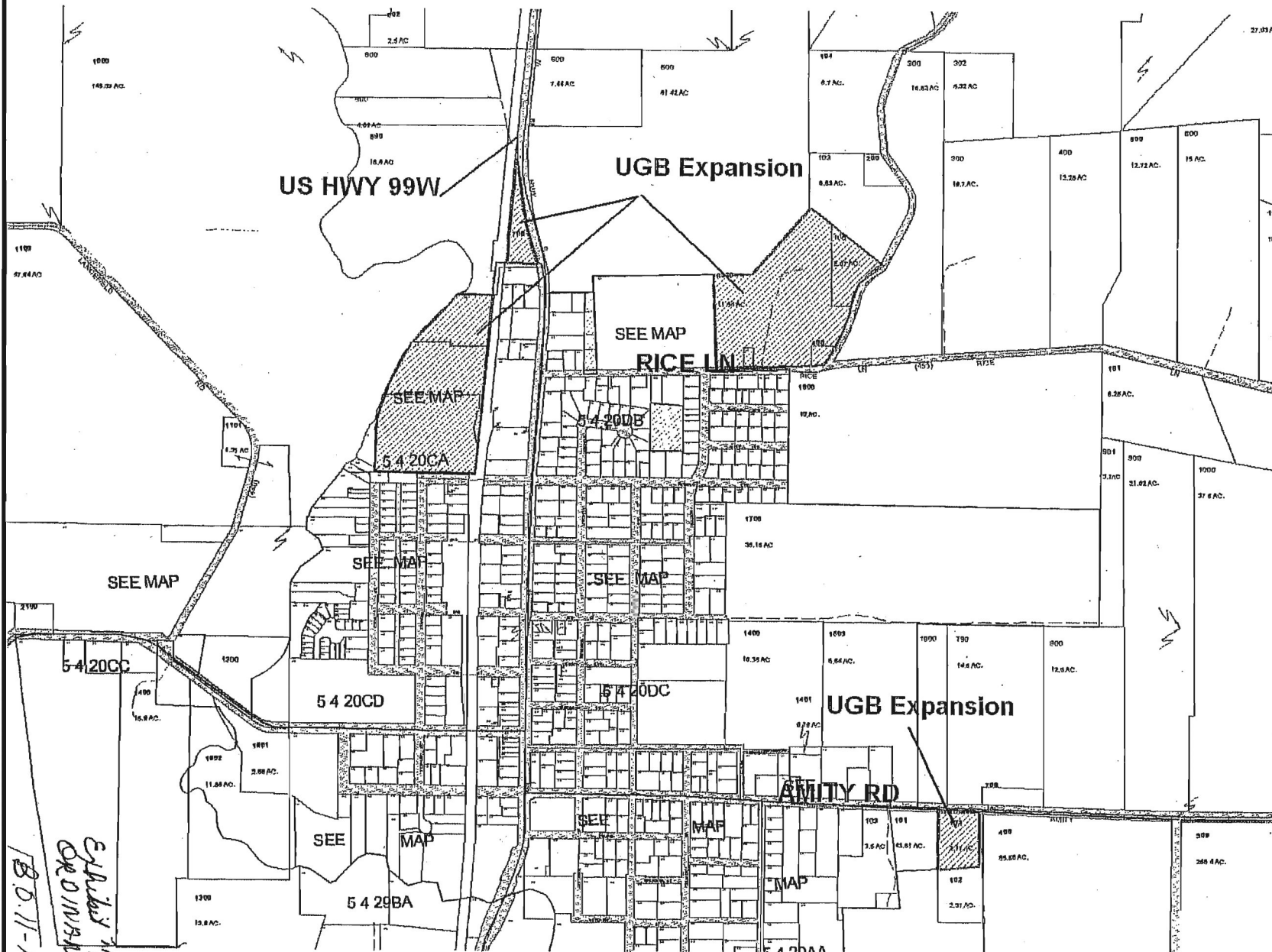
1. The request is to amend the Amity Urban Growth Boundary (UGB) to add approximately 24 acres of land for residential use.
2. The applicant has demonstrated that the request satisfies the Yamhill County Comprehensive Plan goals and policies.

DECISION:

The Board finds that the city of Amity's proposed UGB amendment is consistent with the comprehensive plan. Based on the evidence in the record, the Board approves the request, and finds it will be an efficient transition from rural to urban use.

Exhibit "A"
ORDINANCE 864
B.O. 11-172

Exhibit "B"



- City UGB
- Amity-UGB
- Amity-City
- County Parks
- County Roads
- State Highways
- Private Roads
- Public Roads
- Newberg ByPass
- Taxlots
- Cartographic Arrows
- right of ways
- taxlot lines
- taxlot polygons
- Townships

B.O. 11-172
Exhibit "B"
ORDINANCE 874



This map was produced using the Yamhill County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1 in. = 900 ft.

Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

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McMinnville, OR 97128
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